



A ~~1~~ DAC

PATENT #4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of
Applicant(s): RAJARAM, Gowri
Serial No.: 09/927,131
Filed: August 10, 2001
Attorney Docket No.: UTL 00104

) FOR: System and method for executing
) wireless communications device
) dynamic instruction sets

) Group Art Unit: 2122

) Examiner: unknown

RECEIVED

JUN 03 2004

OFFICE OF PETITIONS

RENEWED PETITION UNDER 37 CFR 1.78 (a)(3)

Mail Stop Petition
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Attention:
Petitions Attorney

Dear Sir:

This renewed petition is in response to Paper No. 5 from the USPTO Dismissal of Petition mailed April 30, 2004. Attached herewith is a supplemental preliminary amendment deleting the incorporation by reference statement as pointed out to Applicant in Paper No. 5, first paragraph, page 2. A surcharge under 37 CFR 1.17(t) for acceptance of an unintentionally delayed claim of benefit in the amount of \$1330.00 has already been submitted, and Paper No. 5 does not indicated that a further petition fee is required.

Applicant requests a claim for benefit to three applications all filed on the same date as follows: Application Serial No. **09/917,026** (the '026 application), filed on July 26, 2001; Application Serial No. **09/916,460** (the '460 application), filed on July 26, 2001; and Application Serial No. **09/916,900** (the '900 application), filed on July 26, 2001. Applicant request that the subject application be designated as a continuation in

part application of the '026, the '460, and the '900 applications. In addition, the subject application is related to a family of applications as indicated by the "related references" included in the accompanying preliminary amendment.

The entire delay between the date the claim was due under 37 CFR 1.78(a)(2) and the date this claim is filed was unintentional. The subject application repeats a substantial portion of the '026, the '460, and the '900 applications as evidence, for example, by the similarity of the Figures.

The subject application complies with the following formal requirements of 35 U.S.C.120 (see MPEP 201.08):

(A) The '026, the '460, and the '900 applications and the subject continuation in part application were filed with at least one common inventor, Gowri Rajaram.

(B) The subject continuation in part application was filed before the patenting or abandonment of or termination of proceeding on the '026, the '460, and the '900 applications; and

(C) The subject continuation in part application contains or is amended to contain a specific reference to the earlier filed applications.

Please contact the undersigned attorney for Applicant should there be any questions or comments regarding this petition.

Respectfully submitted,

Dated: MAY 26, 2004

By: 

Kathleen L. Connell
Attorney for Applicant
Registration No. 45,344

KYOCERA WIRELESS CORP.
10300 Campus Point Drive
San Diego, California 92121

Telephone: (858) 882-2169
Facsimile: (619) 882-3650

<u>CERTIFICATE OF MAILING</u>	
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed: MS Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450	
Date of Deposit:	<u>MAY 26, 2004</u>
<u>Kathleen L. Connell</u>	
Name of Person Mailing Paper and/or Fee	<u>Kathleen L. Connell</u>
Signature	<u>Kathleen L. Connell</u>



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/927,131	RECEIVED
	Filing Date	August 10, 2001	
	First Named Inventor	RAJARAM, Gowri S.	JUN 03 2004
	Art Unit	2122	
	Examiner Name	unknown	OFFICE OF PETITIONS
Attorney Docket Number	UTL 00104 US		
Total Number of Pages in This Submission	10		

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input checked="" type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Return Postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)	Remarks	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	KATHLEEN L. CONNELL
Signature	
Date	MAY 26, 2004

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	KATHLEEN L. CONNELL		
Signature		Date	MAY 26, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.